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## Merchant &amp; Gould

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Legal Staff  
International Division  
Fax TransmissionMay 3, 2007

TO: ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	FROM: Julie R. Daulton  OUR REF: 15261.0003USWO  TELEPHONE: 612-336-4724
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Total pages, including cover letter: 26PTO FAX NUMBER 1-571-273-0459

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted: COMMUNICATION, COMBINED DECLARATION  
AND POWER OF ATTORNEYApplicant: BOSSARD et al.  
Serial No.: 10/560191  
Filed: December 5, 2005  
Group Art Unit: 3731  
Our Ref. No. 15261.0003USWO  
Confirmation No. 2933

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Julie R. Daulton  
Name: Julie R. Daulton  
Reg. No.: 36,414

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Natalie Berland

Signature

Date

May 3, 2007

S/N 10/560191

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BOSSARD et al. Examiner: Unknown  
Serial No.: 10/560191 Group Art Unit: 3731  
Filed: December 5, 2005 Docket No.: 15261.0003USWO  
Title: DEVICE AND METHOD FOR REMOVING A COMPOSITION FROM  
THE SKIN

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on

By:   
Name: Natalie Berland

May 3, 2007

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

The applicants hereby assert that the inventor Mr. Andrew Robert McLeish died on December 26, 2004 in the Tsunami in Thailand. The applicant has since been able to locate the appointed executor and legal representative and submitted a signed Declaration on February 23, 2007. The applicants have now received a Decision on Renewed petition mailed March 29, 2007 which states that the Declaration filed on February 23, 2007 does not satisfy 37 CFR 1.497 (a-b). The applicants hereby submit a signed declaration on which the addresses of the dead inventor, Mr. Andrew Robert McLeish and his Legal Representative, Ms. Barbara Jenman appear.

A combined Declaration and Power of Attorney signed by the other inventors has been filed with the USPTO on April 3, 2006. Therefore the documents submitted with this communication should effectively complete the requirements for this application.

The applicants hereby request that this application be accepted as completed. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned, Julie R. Daulton (Reg. No. 36,414), at (612) 336-4724.

Respectfully submitted,

**23552**

PATENT TRADEMARK OFFICE

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612)332.5300

Dated: May 3, 2007By: 

Julie R. Daulton  
Reg. No.: 36,414

JRD/ncb

Attorney Docket No. 15261.0003USWO

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: DEVICE AND METHOD FOR REMOVING A COMPOSITION FROM THE SKIN

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on December 5, 2005 as ( Attorney Docket No. 15261.0003USWO ) and application serial no. 10/560191 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/GB2004/001683 filed 19 April 2004 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Great Britain	0313032.5	06 June 2003	
Great Britain	0326651.7	15 November 2003	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

**23552**

PATENT TRADEMARK OFFICE

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name BOSSARD	First Given Name Isabelle	Second Given Name
0	Residence & Citizenship	City Hull	State or Foreign Country GREAT BRITAIN	Country of Citizenship FRANCE
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Signature of Inventor 201:

Date:

2	Full Name Of Inventor	Family Name DIBNAH	First Given Name Carl	Second Given Name
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Signature of Inventor 202:

Date:

2	Full Name Of Inventor	Family Name MCLEISH (Deceased)	First Given Name Andrew	Second Given Name Robert
0	Residence & Citizenship	City Sheffield	State or Foreign Country GREAT BRITAIN	Country of Citizenship GREAT BRITAIN
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Signature of Inventor 203:

Executed by: B. Jenman (Barbara Jenman), Successor & Legal Representative

Family Name: JENMAN

First Given Name: Barbara

City: Crowle

State or Foreign Country: United Kingdom

Country of Citizenship: United Kingdom

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Date:

01.05.2007

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Signature of Inventor 204:

Date: